

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, PENAI GLOBAL LLC, OAI
CORPORATION, LLC, OPENIAI HOLDINGS,
LLC,

Defendants.

No. 1:23-cv-11195-SHS-OTW

**DECLARATION OF JEFF LEWIS IN SUPPORT OF DEFENDANTS'
RESPONSE TO PLAINTIFF'S MOTION TO COMPEL
REGARDING OPENAI'S SEARCH TERMS**

I, Jeff Lewis, hereby declare as follows:

1. I am a Director at Lighthouse Document Technologies, Inc. ("Lighthouse"). OpenAI has retained Lighthouse for e-discovery services in the above-captioned litigation, including for document hosting, searching, processing, review, and productions. My job responsibilities include supervising a team to oversee collecting custodial data, running hit reports and search filters across that data, and promoting documents for review by contract attorneys engaged by Lighthouse. I submit this declaration in support of Defendants' Response to Plaintiff's Motion to Compel Regarding OpenAI's Search Terms. I have personal knowledge of the facts set forth below and if called as a witness, could testify competently thereto.

2. On July 22, 2024, my team ran a hit report of requested search terms from Plaintiff The New York Times Company ("Plaintiff" or "The Times") across the files of 12 OpenAI custodians. That search returned 546,902 new documents (i.e. not previously reviewed by OpenAI) including related documents (commonly referred to as "family members").

Although the terms have been rearranged, Plaintiff accurately (with one small variance) includes the results of that hit report within Exhibit 1 to Plaintiff's Motion to Compel regarding OpenAI's Search Terms, Dkt. 228-1 at Columns B–C. The one change is that Plaintiff's version omits the results for the term "yolo*" which yielded 10,974 hits.

3. Lighthouse has since begun review of some of the 546,902 documents based on search terms OpenAI agreed to run. Lighthouse calculates that 493,215 documents would still need to be reviewed if Plaintiff's terms were applied. Based on Lighthouse's experience on OpenAI copyright matters to date, Lighthouse estimates that the managed review of the 493,215 new unique documents stemming from the NY Times search proposal would require [REDACTED] additional hours of contract attorney review time at an expense of [REDACTED] dollars.

4. On August 28, 2024, my team ran another hit report. Lighthouse ran the report across the files of the 12 original OpenAI custodians, plus 14 additional OpenAI custodians I understand are under discussion, for a total of 26 OpenAI custodians. As search terms, Lighthouse ran the same set as in the July 22, 2024 report, without the "yolo*" term Plaintiff omitted from its court filing. That search returned 1,300,154 new unique documents not previously subject to review.

5. Based on Lighthouse's experience in reviewing documents for OpenAI copyright matters to date, Lighthouse estimates that the managed review of the 1,300,154 new unique documents stemming from the Times search proposal would require [REDACTED] additional hours of contract attorney review at an expense of [REDACTED] dollars.

6. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 30th day of August, 2024 in Merced, CA.

By: 
Jeff Lewis
Director, Client Services
Lighthouse